

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|------------------------------------|---|------------------------------------|
| EUGENE THYE BONNER, | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | CIVIL ACTION NO. 19-CV-2137 |
| | : | |
| MR. JOHN E. WETZEL, et al., | : | |
| Defendants. | : | |

ORDER

AND NOW, this *3rd/40* day of May, 2019, upon consideration of Plaintiff Joseph Bonner's Motion to Proceed *In Forma Pauperis* (ECF No. 1), his Prisoner Trust Fund Account Statement (ECF No. 5), and his *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed in forma pauperis is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Eugene Thye Bonner, #HL-2668, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Phoenix or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Bonner's inmate account; or (b) the average monthly balance in Bonner's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Bonner's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Bonner's inmate account until the fees are paid. Each payment shall reference the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Superintendent of SCI Phoenix.

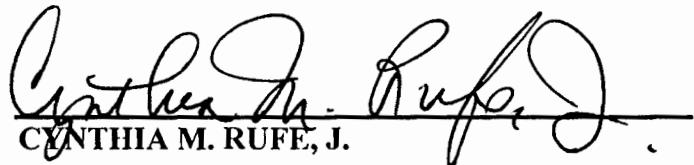
4. The Complaint is **DEEMED** filed.

5. For the reasons stated in the Court's Memorandum, Bonner's claims against the Defendants in their official capacities are **DISMISSED with prejudice** and his claims against Defendants Wetzel, Link, Buchler, Carla, and Korszniak in their individual capacities are **DISMISSED without prejudice**.

6. Bonner is given thirty (30) days to file an amended complaint in the event he can allege additional facts to state a plausible claim against Defendants Wetzel, Link, Buchler, Carla, and Korszniak in their individual capacities. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Bonner's claims against each defendant, and shall bear the title "Amended Complaint" and the caption 19-2137. If Bonner files an amended complaint, his amended complaint must be a complete document that includes all of the bases for Bonner's claims, including claims that the Court has not yet dismissed if he seeks to proceed on those claims. When drafting his amended complaint, Bonner should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

7. If Bonner does not file an amended complaint the Court will direct service of his initial Complaint on Defendants Nurse Voltz, Dr. Muhammad, and Dr. Kaminsky.

BY THE COURT:



CYNTHIA M. RUFÉ, J.